

**TULARE COUNTY WATER COMMISSION
MEETING MINUTES
November 10, 2014**

Members Present:

Allen Ishida, Board Representative and Chairman
Mark Larsen, District 3 Appointee
Richard L. Schafer, District 5 Appointee
Dale Brogan, District 2 Appointee
Paul Boyer, District 1 Appointee
Rudy Mendoza, TCAG Representative
Susana De Anda, At-Large Appointee
Chris Kapheim, District 4 Appointee

Members Absent:

Mike Ennis, Board Alternate Representative
Roger Everett, At-Large Appointee

Staff Present:

Julieta Martinez, Tulare County Board of Supervisors
Denise England, County Administrative Office
Will Jackson, County Counsel

Members of the Public Present:

Carole Clum
Nilsa Gonzalez
Ken Bowers

1. Call to Order

The meeting was called to order at 3:00pm.

2. Public Comment Period

Carol Clum of Three Rivers was present to give comment. She provided the Commissioners with two handouts. Please see attached.

3. Approval of August 11, 2014 minutes.

Commissioner De Anda suggested a correction. On the agenda it says August 11th but the minutes say August 18th. Staff will change minutes to say August 11th.

Motion by Commissioner Kapheim, Second by Commissioner Schafer, Motion approved.

4. Approval of October 13, 2014 minutes.

Motion made by Commissioner Schafer, second by Commissioner Kapheim. Motion approved.
Commissioner Brogan abstains.

5. Groundwater Well Ordinance Update (Discussion and Action Item)

Nilsa Gonzalez of Tulare County Environmental Health delivered the presentation. She provided copies of the draft of the County Groundwater Well Ordinance. The last revision was made in 1997 and prior to that it was 1979. The purpose of the revision is to update the well ordinance for construction and destruction requirements. It is not meant to impose water rights restrictions.

Nilsa provided a summary of proposed changes including adding definitions such as: animal and fowl enclosure, application, aquifer, authorized agent, etc. She stated that other definitions were

revised/updated to mirror neighboring county well ordinances and the California Well Standards.

There are proposed addition to the well ordinance like minimum setback requirements to a well. Another change is to increase seal depth. One example is increasing Agricultural wells to a minimum of fifty feet. This is due to the health and safety of residents in Tulare County and the protection of groundwater from contamination, realignment of our ordinance to meet industry-accepted standard practices, and much more.

Ms. Gonzalez provided an estimate of the timeline they are looking at for these revisions. She shared that staff is seeking feedback from the Water Commission and will also seek feedback from other groups such as the Ag Policy Advisory Committee. A tentative target for the First Reading of the Draft to the Board of Supervisors is set for February 2015. She then opened up the discussion to any questions and stated that Ken Bowers, Environmental Health and Supervisor for Well Drilling Program, was also present to address inquiries.

Commissioner Mendoza asked what is current seal of depth is? Commissioner Kapheim informed him that it was 20 feet.

Commissioner De Anda asked if there are any workshops planned for general public input on revisions.

Nilsa Gonzalez advised that staff is working with County Counsel because the draft may need to be part of a public hearing before the Board of Supervisors.

Commissioner De Anda recalled that Ms. Gonzalez stated that the draft referred to mirroring other jurisdictions. She asked who these were. The response was that there are various Counties that were looked at including San Joaquin, Stanislaus, and Calaveras.

Chairman Ishida clarified and stated that this ordinance update will go through the public hearing process.

Commissioner Brogan asked if there were other changes in terms of substantial comments other than grammatical changes.

Commissioner Schafer stated that he suggested that agriculture wells be spaced no closer than a quarter of a mile. It is not currently in the ordinance. He did not know if they plan to include spacing in the ordinance but it is a recommendation.

Commissioner De Anda suggested staff look at the Tulare Lake Basin Studies around wells and their recommendations as well.

Chairman Ishida commented that he believes the County will be working on this ordinance for quite some time and he does not wish to rush through the process. He asked that it come back to the Water Commission at its January meeting.

6. Sustainable Groundwater Management Act (Discussion and Action Item)

- a. Presentation by Commissioner Kapheim
- b. Agencies Contemplating Forming a GSA
 - i. Eastern Kings River Basin
 - ii. Kaweah Delta Conservation District
 - iii. Tulare Irrigation District
 - iv. Lower Tule Irrigation District

Commissioner Kapheim presented on Groundwater legislation impacts. There are three bills passed by the senate, SB 1168(Pavley), SB 1319(Pavley), and by the assembly AB 1739(Dickinson). He shared that the bills went through pretty quickly with many changes were made in the end. Now is the time to look at the issues. He stated that the Governor's Groundwater Legislation Signing was very important. It accomplished a five year plan to sustainably manage groundwater resources and helping to secure California's water future by implementing the following: conservation, water recycling, expanded storage, safe drinking water, wetlands, watershed restoration, and the passage of the water bond.

Commissioner Kapheim stated that groundwater management is best accomplished locally. He shared that the State's primary role is to provide guidance, technical support and set forth interim measures when local agencies don't achieve a more sustainable future. A proposal will be submitted for legislative consideration to streamline judicial adjudication of groundwater rights.

Commissioner Kapheim also discussed requirements for forming a basin/sub basin such as categorizing a basin and requesting boundary adjustment. He stated that under this new act, Groundwater Sustainability Agencies (GSA) will be formed. It means one or more local agencies will implement a plan. GSA's can be formed under a Joint Powers Agreement, MOU, Special District Legislation, or Water corporation regulated by PUC. The County would become a default GSA for unmanaged areas.

A GSA would be in charge of developing the groundwater sustainability plan. They would also be the Fee Authority and handle registration of extraction facilities, water measurement devices paid for by the user of groundwater, annual statement of diversion, extractions as basis for fees, etc. A GSA will appropriate and acquire surface water or groundwater, handle water exchanges, transport, reclaim, purify, treat or otherwise managed polluted water, control groundwater extractions and more.

He provided next steps which included options for moving forward such as creating one large sub-basin, forming a separate sub basin, or do nothing and let the State Board intervene.

Commissioner Schafer asked if there have been comments as to how the money in the water bond will be allocated.

Commissioner Kapheim was not sure but suggested that it will not be enough. Discussion followed.

7. Subcommittee Reports (Discussion Item)

None at this time.

8. Staff Reports

a. Drought Update

Denise England reporter that there were more well failures in the past month. For private wells they estimate about 750 wells have gone dry. The County is continuing to work with Cal OES and nonprofits to inventory the households. The Office of Emergency Services is placing showers in East Porterville so residents have a hot shower this winter.

9. Commissioners Comments

Commissioner Kapheim shared that the drinking water report is out now on the Alta Irrigation Web page.

Commissioner Larsen stated that the Board of Supervisors recently approved the final program EIR for the cottonwood creek project as part of three flood control projects. He thanked Michael Bond, RMA, for doing a great job.

10. Meeting Schedule for 2015 (Information Item)

Staff informed the Commission that meeting will continue to be the second Monday of the month with the first meeting in January taking place on January 12, 2015.

11. Next meeting – Monday, January 12, 2015, 3:00 p.m. – Board of Supervisors Chambers

12. Adjourn

Meeting adjourned 3:56pm.